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R e m a r k s

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Claims 1-29 are pending in the application.

Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen (U.S. Patent No.: 6,567,380, hereinafter "Chen") and RFC 1771 as extrinsic evidence which is incorporated by reference per col. 5, line 59 to 61.

Claims 1 and 2 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of co-pending application No. 10/875,124.

Claims 1 and 2 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of co-pending application No. 10/670,940.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Entry of this Amendment is proper under 37 CFR 1.116 since the amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfies a requirement of form asserted in the previous Office Action; (d) does not present any additional claims without canceling a corresponding number of finally rejected claims; or (e) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the amendment is thus respectfully requested.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any

amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Rejection Under 35 U.S.C. 102

Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen and RFC 1771 as extrinsic evidence which is incorporated by reference per col. 5, line 59 to 61. The rejection is traversed.

Chen fails to teach or suggest "transmitting reason information associated with a route update or withdraw, wherein the reason information comprises a <u>reason for the route update or withdraw</u>" as claimed in Applicants' claim 1. Rather, Chen merely discloses that a router identifies <u>how a route has changed</u> and compares how the route has changed with configuration information for a neighbor router <u>in order to determine whether or not a route update needs to be sent to that neighbor router</u>. As defined in Chen, the "reason" information is merely a description of <u>what has changed</u> for the associated route, <u>not a reason for the change</u>. Furthermore, in Chen the "reason" information is not exchanged between routers; rather, the "reason" information is

identified and stored locally <u>at a router</u> <u>for use by the router in determining whether or not to send a corresponding route update to neighboring routers.</u>

By contrast, Applicants' claim 1 claims "<u>transmitting reason information</u> associated with a route update or withdraw, <u>wherein the reason information comprises a reason for the route update or withdraw.</u>" Chen is devoid of any teaching or suggestion of transmitting any information which is indicative of a reason for a route update or a route withdraw. In fact, what Chen calls a "reason" is <u>not</u> reason information; rather, as stated in Chen, it is a description of <u>what has changed,</u> not the <u>reason</u> for the change. Therefore, Chen fails to teach or suggest Applicants' claim 1, as a whole.

Thus, the Examiner relies on RFC 1771 as extrinsic evidence, asserting that RFC 1771 discloses reason information for a route update or withdraw. RFC 1771, however, alone or in combination with Chen, fails to teach or suggest "transmitting reason information associated with a route update or withdraw, <u>wherein the reason information comprises a reason for the route update or withdraw,</u>" as claimed in Applicants' claim 1.

In general, RFC 1771 discloses details of Border Gateway Protocol 4 (BGP-4). RFC 1771, however, alone or in combination with Chen, fails to teach or suggest "transmitting reason information associated with a route update or withdraw, wherein the reason information comprises a <u>reason for the route update or withdraw</u>" as claimed in Applicants' claim 1.

In the Office Action, the Examiner cites specific portions of RFC 1771, asserting that the cited portions of RFC 1771 disclose transmitting reason information associated with a route update or withdraw where the reason information comprises a <u>reason for the route update or withdraw</u>. Specifically, referencing RFC 1771, the Examiner asserts that "RFC 1771 teaches three field[s] including unfeasible route length field, withdrawn routes and next hop attribute that includes a cost which is a part of local preference per Pgs 4-11, 30, & 36). The <u>unfeasible routes length field has the reason for update or withdraw per Pgs 4-11. When the unfeasible route length field has a value other than zero then routes are unfeasible</u>)." (Office Action, Pg. 2, Emphasis added). Applicants respectfully disagree.

Applicants submit that the Unfeasible Routes Length field does not include a reason for a route update or withdraw. Rather, RFC 1771 states that the Unfeasible

Routes <u>Length</u> field merely specifies the <u>length, in octets,</u> of the <u>Withdrawn Routes field</u> of the UPDATE message because the Withdrawn Routes field is a <u>variable length field</u>. Specifically, with respect to the Unfeasible Routes Length field, RFC 1771 states that "[t]his 2-octets unsigned integer <u>indicates the total length of the Withdrawn Routes field</u> in octets....A <u>value of 0 indicates that no routes are being withdrawn from service,</u> and that the WITHDRAWN ROUTES field is <u>not present in this UPDATE message.</u>" (RFC 1771, Pg. 10, Emphasis added).

In other words, RFC 1771 merely discloses that the Unfeasible Routes Length field specifies the <u>length</u> of the <u>Withdrawn Routes field</u> of the UPDATE message, where a value of "0" in the Unfeasible Routes Length field indicates that the Withdrawn Routes field is not present in the UPDATE message. The Unfeasible Routes Length field of RFC 1771 does not provide <u>reason</u> information. The Unfeasible Routes Length field of RFC 1771 has nothing to do with the <u>reason</u> that the UPDATE message is being transmitted or that routes are being withdrawn. Rather, the Unfeasible Routes Length field of RFC 1771 merely indicates how much information, if any, is included in another field of the Update message (namely, the variable-length Withdrawn Routes field which includes the list of routes being withdrawn).

Additionally, Applicants note that each of the other fields of the Update Message of RFC 1771 (namely, the Withdrawn Routes, Total Path Attribute Length, Path Attributes, and Network Layer Reachability Information fields) fails to include reason information.

The Withdrawn Routes field "...is a variable length field that contains a <u>list of IP address prefixes</u> for the routes that are being withdrawn from service." A list of IP address prefixes for routes being withdrawn from service merely identifies which routes are being withdrawn from service, not the reasons that each of the respective routes are being withdrawn.

The Total Path Attribute Length field is a "...2-octet unsigned integer [that] <u>indicates</u> the <u>total length of the Path Attribute field</u> in octets." A field in a message that includes an integer indicating a length of another field in the message is not a reason for a route update or withdraw.

The Path Attributes field is "[a] variable length sequence of path attributes." The sequence of path attributes does not include a reason for a route update or route withdraw.

The Network Layer Reachability Information field "...contains a list of IP address prefixes." (RFC 1771, Pgs. 10 – 15, Emphasis added). A list of IP address prefixes is not a reason for a route update or withdraw.

Thus, while the fields of the RFC 1771 UPDATE Message include information describing the update, the fields of the RFC 1771 UPDATE Message are devoid of any reason information that comprises a reason for the route update or withdraw.

Additionally, in the Response to Amendment section of the Office Action, the Examiner further asserts that "[w]hen the unfeasible route length field has a value other than zero then routes are unfeasible)." (Office Action, Pg. 9). Applicants respectfully disagree. As described hereinabove, RFC 1771 specifically discloses that a non-zero value of the Unfeasible Routes Length field of the UPDATE Message merely indicates that the Withdrawn Routes field of the UPDATE Message includes a list of IP address prefixes of routes that are being withdrawn from service. A list of IP address prefixes of routes being withdrawn merely describes what has changed (i.e., the routes that are being withdrawn are listed). A list of IP address prefixes does not provide the reason that the routes associated with the specified IP address prefixes are being withdrawn. In other words, the list of IP address prefixes is not reason information including a reason for a route update or withdraw.

Furthermore, in the Office Action, the Examiner cites additional portions of RFC 1771, asserting that the cited portions of RFC 1771 disclose reason information associated with a route update. Specifically, the Examiner cites Pages 30 and 36 of RFC 1771. Applicants respectfully submit that these additional portions of RFC 1771 also fail to teach or suggest reason information. Rather, these portions of RFC 1771 merely disclose operation of the BGP Finite State machine and Phase 2 Route Selection in which the best route available for each distinct destination is selected and installed into the appropriate Loc-RIB. These additionally cited portions of RFC 1771 are devoid of any teaching or suggestion of reason information that is associated with a route update or withdraw.

Thus, for at least these reasons, RFC 1771, alone or in combination with Chen, fails to teach or suggest "transmitting reason information associated with a route update or withdraw, wherein the reason information comprises a <u>reason for the route update or withdraw</u>" as claimed in Applicants' claim 1.

Chen fails to disclose each and every element of the claimed invention, as arranged in claim 1. Similarly, RFC 1711 fails to disclose each and every element of the claimed invention, as arranged in claim 1. Thus, Chen and RFC 1711, alone or in combination, also fail to disclose each and every element of the claimed invention, as arranged in claim 1.

As such, independent claim 1 is not anticipated by Chen or RFC 1771 and is patentable under 35 U.S.C. 102. Similarly, independent claims 15, 23 and 26 recite relevant limitations similar to those recited in independent claim 1 and, as such, and at least for the same reasons as discussed above, these independent claims also are not anticipated by Chen or RFC 1771 and are patentable under 35 U.S.C. 102. Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Chen and RFC 1771.

Therefore, the rejection should be withdrawn.

Double Patenting Rejection

Claims 1 and 2 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of co-pending application No. 10/875,124.

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Applicants respectfully submit that, since a double patenting rejection depends on the claims of the application, until Applicants have claims that are allowable but for the double patenting rejection, Applicants cannot evaluate the correctness of any suggested double patenting rejection. As such, Applicants also cannot determine any arguments that might be put forth against the suggested double patenting rejection. Therefore, as

this double patenting rejection is premature, Applicants will address such a ground of rejection once all other grounds of rejection are overcome.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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